

Application No. 10/081,873  
Paper Dated October 6, 2003  
In Reply to USPTO Correspondence of June 4, 2003  
Attorney Docket No. 388-020337

### REMARKS

In the specification, several paragraphs have been amended to incorporate editorial clarifications.

In amended Figure 5, the locations of reference numerals 16 and 17 have been corrected.

Claims 1-13 were pending in this application. Claim 7 is canceled. Claims 1, 3, 8, 9, 10, 12, and 13 are amended. New claims 14-24 are added. Therefore, claims 1-6 and 8-24 remain in this application. No new subject matter is believed to have been added by these amendments. Support for new claims 14-24 can be found in the specification and drawings as originally filed. Claims 14-24 are also believed to be allowable over the prior art of record.

### Priority

The disclosure stands objected to for failing to refer to the foreign priority document. The Examiner cites MPEP § 202.01. However, MPEP § 202.01 states that "for a nonprovisional application filed on or after November 29, 2000, unless the reference required by 37 CFR 1.78(a)(2) is included in an application data sheet (37 CFR 1.76), the specification must contain or be amended to contain such reference in the first sentence of the specification". The Applicants respectfully submit that such reference (to Japanese Application No. 2001-289597, filed September 21, 2001) was included in a Letter Recognizing Attorneys filed on February 22, 2002 with the application and, therefore, no amendment to the specification to include such reference is needed.

### Disclosure Objections

The disclosure stands objected to for inconsistencies in nomenclature. The Applicants believe that the above amendments to the specification overcome the Examiner's objections. Reconsideration of these objections is respectfully requested.

### Drawing Objections

The drawings stand objected to for failing to comply with 37 C.F.R. § 1.84(p)(5) because the drawings include reference signs not mentioned in the description. Reference number 13 is mentioned on page 15 of the specification. Additionally, the

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Applicants believe that the above amendments to the specification, specifically the addition of reference numbers A1-A3, 40f, 55, W6, 17h, and 17i, overcome the remaining objections.

Fig. 5 stands objected to for incorrectly labeling reference numbers 16 and 17. The Applicants believe that the above amendments to Fig. 5 overcome the Examiner's objections. Reconsideration of these objections is respectfully requested.

#### Claim Objections

Claims 12 and 13 stand objected to for incorrect language usage. The Applicants believe that the above amendments to claims 12 and 13, as suggested by the Examiner, overcome the Examiner's objections. Reconsideration of these objections is respectfully requested.

#### 35 U.S.C. § 112 Rejections

Claim 13 stands rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter that was not described in the specification. The Applicants believe that the above amendments to claim 13, along with the specification (pages 12-15) and drawings (Figs. 3, 4, 6, and 7) sufficiently describing and illustrating the elements of amended claim 13, overcome the Examiner's rejection. Reconsideration of this rejection is respectfully requested.

#### 35 U.S.C. § 102 Rejections

Claims 12 and 13 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,678,648 to Imanishi et al. In view of the above amendments and the following remarks, the Applicants respectfully request reconsideration of these rejections.

The present invention, according to amended independent claim 12, is directed to an engine cooling system for use on a lawn mower having a vertical shaft type engine with a cooling air intake fan disposed above the engine. The engine cooling system includes a fan cover for covering the fan. A hood covers the engine.

The hood includes an upper hood and a lower hood. The upper hood has a lower end located above a lower end of the fan cover. The upper hood is displaceable between a closed position adjacent the lower hood and an open position.

The engine cooling system further includes a cooling air intake opening formed in at least one of the upper hood adjacent a control panel and the control panel for taking in ambient air. A partition wall member is disposed between the cooling air intake opening and the cooling air intake fan. The partition wall member restricts mixing of ambient air drawn by the fan and heat generating from the engine. The partition wall member is fixed to the upper hood. A rear end portion of the partition wall member extends over to a position above the cooling air intake opening to allow passage of ambient air drawn in through a position above the lower end of the upper hood.

The Imanishi patent is directed to a working vehicle having a hood, where cooling air is drawn from above the engine and exhausted outwardly of the vehicle body through exhaust openings formed in a front surface of the hood. A box-shaped dust netting is above the radiator. The dust netting extends rearwardly relative to the engine and includes an overhang portion including a downward bulge 19f. The dust netting includes opposite side surfaces 19c. A first shield 21 is connected to the opposite side surfaces 19c and covers a radiator and a fan cover. The first shield and a second shield form a shield assembly.

The Imanishi patent does not teach or suggest a rear end portion of a partition wall member extending over to a position above the cooling air intake opening. As shown in Fig. 2, the first shield 21 extends rearwardly to the bulging portion of the dust netting. The bulging portion extends rearwardly toward the intake opening 17A. The bulging portion is between the intake opening 17A and the first shield 21. The first shield does not extend over to a position above the cooling air intake opening.

For the foregoing reasons, the Applicants believe that the subject matter of amended independent claim 12 is not anticipated by the Imanishi patent. Reconsideration of the rejection of claim 12 is respectfully requested.

Amended claim 13 depends from and adds further limitations to amended independent claim 12 and is believed to be patentable for the reasons discussed hereinabove in connection with amended independent claim 12. Reconsideration of the rejections of claim 13 is respectfully requested.

#### 35 U.S.C. § 103 Rejections

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) for obviousness over the Imanishi patent in view of U.S. Patent No. 4,969,533 to Holm et al. In view of the above

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amendments and the following remarks, the Applicants respectfully request reconsideration of these rejections.

The present invention, according to amended claim 1 that incorporates subject matter of original claim 7 (now canceled), is directed to an engine enclosure for use on a vehicle having a cooling system for a vertical shaft type engine with a cooling air intake fan disposed above the engine. The engine enclosure includes an upper hood for covering the engine from above. The upper hood has an upper surface and right and left side surfaces extending downward from the upper surface. A lower hood covers lateral areas of the engine. Cooling air intake openings are formed in a position above a lower end of the respective right and left side surfaces of the upper hood for taking in ambient air. At least one barrier wall is disposed adjacent each of the cooling air intake openings, so that one of the cooling air intake openings is invisible to the other of the cooling air intake openings, and vice versa.

The Imanishi patent was discussed above. The Examiner is relying on the Holm patent for teaching a cooling air intake opening formed in either a right or left side surface of a hood.

The Applicants respectfully submit that the Examiner appears to be confusing the partition wall members (32, 40, 53, and 54) and the barrier walls (35, 55, and 60) of the present claims. As seen in Figs. 3 and 6, the partition wall member restricts mixing of ambient air drawn by a fan with the heat generated from the engine. On the other hand, the barrier wall acts as a shield member so that an interior of the engine enclosure becomes invisible through the cooling air intake opening.

Neither the Imanishi patent nor the Holm patent teach barrier walls adjacent the cooling air intake openings for hiding one cooling air intake opening from the other through the hood.

For the foregoing reasons, the Applicants believe that the subject matter of amended independent claim 1 is not rendered obvious by the Imanishi patent in view of the Holm patent. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2-11 depend from and add further limitations to amended independent claim 1 or a subsequent dependent claim and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claim 1. Reconsideration of the rejections of claims 2-11 is respectfully requested.

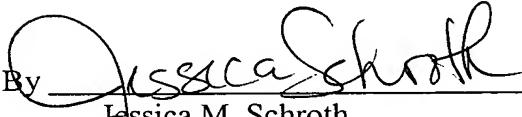
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**CONCLUSION**

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-6 and 8-24 are respectfully requested.

Respectfully submitted,

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FIG.4

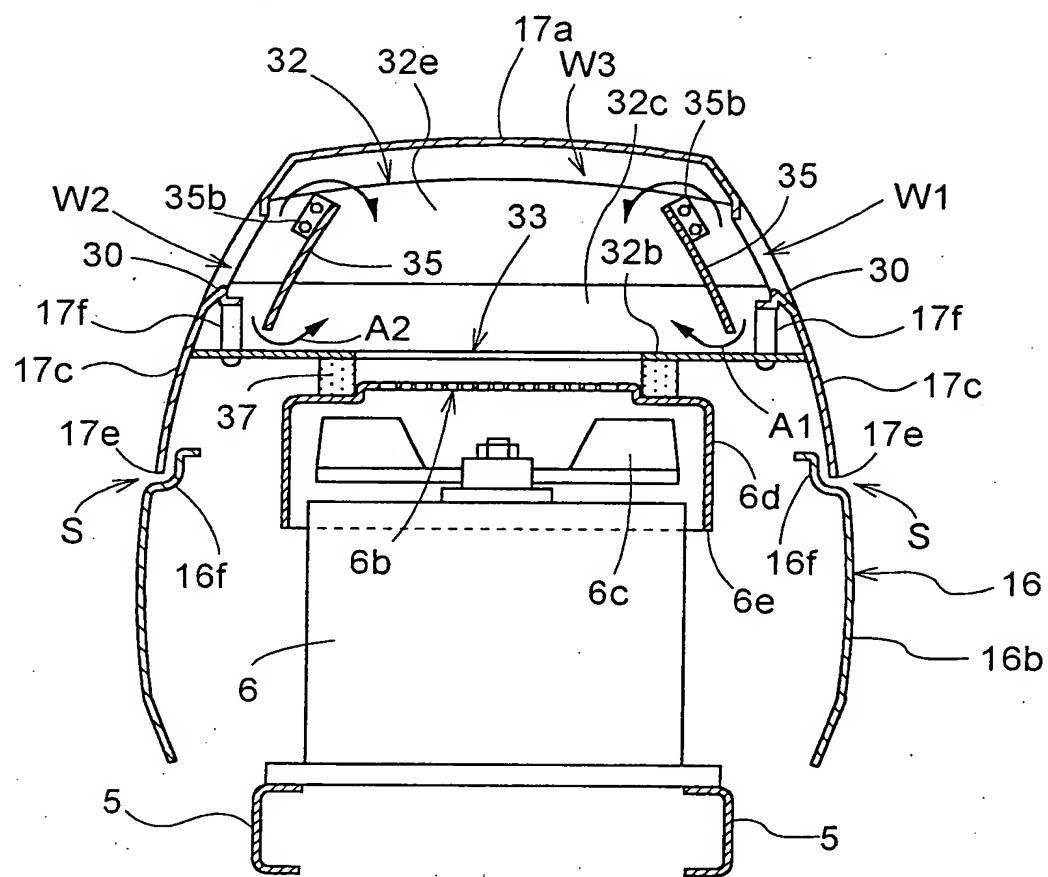
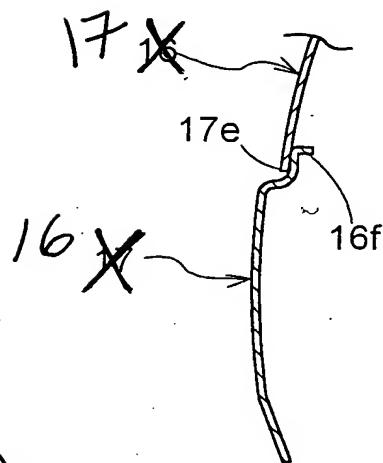


FIG.5



*Change applied  
12-22-03*